

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 6/23/2020

-----X  
MARCOS CALCANO, *on behalf of himself and all*  
*others similarly situated,*

Plaintiffs,

-v-

SEPHORA USA, INC.,

Defendants.  
-----

19-cv-9819 (LJL)

ORDER

LEWIS J. LIMAN, United States District Judge:

The Court has before it several motions to dismiss in cases alleging violations of the Americans with Disabilities Act for the failure of businesses to accommodate legally blind individuals in the purveyance of gift cards. Similar motions to dismiss raising the same arguments as are raised in the motions before this Court are currently pending on appeal before the Second Circuit in the following cases: *Dominguez v. Banana Republic, LLC*, 20-1559 and *Murphy v. Kohl's Corp.*, 20-1608.

Accordingly, IT IS HEREBY ORDERED that the motion to dismiss (Dkt. No. 22) in this case is DENIED WITHOUT PREJUDICE to renewal after a decision by the Second Circuit in either *Dominguez* or *Murphy*:

IT IS FURTHER ORDERED that all proceedings in this case are STAYED pending a decision in either *Dominguez* or *Murphy*.

SO ORDERED.

Dated: June 23, 2020  
New York, New York



LEWIS J. LIMAN  
United States District Judge